

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 8, 2003
)	
Charles R. Lawrence, III)	DOCKET NO.: 03F-148
Member)	
Board of Education)	
1433 Geranium Street, NW)	
Washington, DC 20012)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Charles R. Lawrence, III, Member, Board of Education, (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Charles R. Lawrence, III (hereinafter respondent), to appear at a scheduled hearing on August 22, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 25, 2003, OCF received a written statement from respondent dated August 15, 2003 stating the Notice of Hearing, Statement of Violations and Order of Appearance was his first notice of his failure to file. Respondent stated his term on the Board expired on December 31, 2002. Respondent further asserted that because he filed a Financial Disclosure Statement (FDS) this year, he believed he was in compliance with the statute. Respondent enclosed an FDS that was fully executed on August 18, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent's term on the Board expired in December 2002.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement with OCF on August 25, 2003.
4. Respondent believed that the Notice of Hearing, Statement of Violations and Order of Appearance was the first notice he received of his failure to file the required Financial Disclosure Statement.
5. OCF sent a Notice of Non-Compliance dated May 28, 2003 to the same address as the hearing notice, and the Notice was not returned.
6. Respondent believed he filed a Financial Disclosure Statement with OCF earlier this year, and further believed that so long as the Financial Disclosure Statement was filed that he was in compliance with the statute.
7. Respondent's explanation for the filing delinquency is credible in that he mistakenly believed he filed an FDS with OCF this year, and believed he was in compliance with the statute.
8. OCF provided notice that each public official subject to the DC Campaign Finance Act is required to file a Financial Disclosure Statement annually, not later than May 15th of each year for the prior calendar year, on its Financial Disclosure Statement form.
9. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.